

REGULAR CITY COUNCIL MEETING  
AUGUST 12, 2002

PRESENT

Gayle Bunker  
Wesley Bloomfield  
Robert Droubay  
Margaret Dutson  
Glen Swalberg

Mayor  
Council Member  
Council Member  
Council Member  
Council Member

ABSENT

Bruce Curtis

Council Member

ALSO PRESENT

Richard Waddingham  
Alan Riding  
Gregory Jay Schafer  
Brandon Nielson  
Dena Kay C. Nielson  
Dale Bond  
Sara Peña  
Ernestina Rodriguez

City Attorney  
Asst. Public Works Director  
City Recorder  
City Resident  
City Resident  
City Resident  
City Resident  
City Resident

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the time, place and agenda of the meeting had been posted at the City Building, had been given to the Millard County Chronicle/Progress, to KNAK Radio, and had been provided to each member of the City Council, at least two days prior to the meeting. Gregory Jay Schafer, City Recorder, acted as secretary.

Council Member Wesley Bloomfield offered an invocation, following which Mayor Bunker led those in attendance in the Pledge of Allegiance.

MINUTES

The proposed minutes of Public Hearing #1 held July 22, 2002 were presented for consideration and approval. Following review, Council Member Robert Droubay MOVED to approve the minutes of Public Hearing #1 held July 22, 2002, as presented. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of Public Hearing #2 held July 22, 2002 were presented for consideration and approval. Following review, Council Member Wesley Bloomfield MOVED to approve the minutes

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of Public Hearing #2 held July 22, 2002, as presented. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held July 22, 2002 were presented for consideration and approval. Following review, Council Member Wesley Bloomfield MOVED to approve the minutes of the Regular City Council Meeting held July 22, 2002, as presented. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Wesley Bloomfield MOVED to approve the accounts payable, dated August 12, 2002, in the amount of \$83,025.39. The motion was SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### UNFINISHED BUSINESS

##### COUNCIL MEMBER ROBERT DROUBAY: SCHEDULE DATE FOR VAN'S HALL RECEPTION

Council Member Robert Droubay reported that he had not set a date for the Van's Hall reception because he felt that arrangements should be made for some type of entertainment during the reception. Possible dates for a reception were discussed. Council Member Droubay will discuss a possible date with the band he has in mind for entertainment. Council Member Robert Droubay MOVED to table discussion of this matter until the next meeting of the City Council. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### NEW BUSINESS

##### SARA PEÑA, LA PASADITA: REQUEST FOR CLASS "A" (OFF PREMISE CONSUMPTION) BEER LICENSE

Inasmuch as Sara Peña does not speak English, Ernestina Rodriguez translated for her. Ms. Rodriguez stated that Ms. Peña operates La Pasadita, a store specializing in Mexican products, and would like to obtain a license to sell beer for off premises consumption at her store, located at 243

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West Main Street. Ms. Peña currently sells packaged Mexican food products, soda pop and clothing and rents videos.

Council Member Wesley Bloomfield MOVED to approve issuance of a Class "A" (off premise consumption) beer license to Sara Peña at La Pasadita, located at 243 West Main Street. The motion was SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: STREET VACATION FOR 33 FOOT WIDE ALLEY WAY INTERSECTING PROPERTY LOCATED AT APPROXIMATELY 407 SOUTH 100 WEST

City Attorney Richard Waddingham noted that the Council had previously agreed to sell this 33 foot wide alley way to Dale Bond. However, state law requires that a public hearing be set and an ordinance be passed vacating the alley property prior to giving a deed to the property. Council Member Wesley Bloomfield MOVED to set a public hearing on Monday, August 26, 2002, at 6:50 p.m. for the purpose of receiving public comment regarding the proposed vacation of a 33 foot wide alley way intersecting property located a approximately 407 South 100 West. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER ROBERT DROUBAY: PROPOSED SINGLE LOT SUBDIVISION LOCATED AT APPROXIMATELY 260 EAST 200 SOUTH (STEPHENSON ONE LOT SUBDIVISION)

Council Member Robert Droubay noted that the Planning & Zoning Commission had approved this single lot subdivision and recommended that the City Council set a public hearing for the purpose of receiving public comment regarding the proposed subdivision. City Attorney Richard Waddingham advised the Council that it is not necessary for the Council to hold a public hearing on a subdivision. Council Member Glen Swalberg MOVED to place this item on the agenda for approval at the next regular City Council meeting. The motion was SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER ROBERT DROUBAY: REVISION 2 OF PRELIMINARY PLAT FOR SILVER SAGE SUBDIVISION

City Attorney Richard Waddingham advised the Council that Revision 2 of the Preliminary Plat for Silver Sage Subdivision can be considered as a regular Preliminary Plat due to the fact that the first preliminary plat, which was approved a number of years ago, became void twelve months after

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approval for lack of a final plat. The final plat must be approved by the Council but the preliminary plat does not require Council approval.

COUNCIL MEMBER ROBERT DROUBAY: SILVER SAGE SUBDIVISION PHASE 4

The Council reviewed the plat for Silver Sage Subdivision Phase 4, consisting of Lots 7 and 8. Council Member Robert Droubay MOVED to place this item on the agenda to be considered for approval at the next regular City Council meeting. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER ROBERT DROUBAY: PROPOSED AMENDMENT TO DELTA CITY ZONING ORDINANCE APPENDIX 5 - COMMERCIAL ZONES, SECTION A5-3

Council Member Robert Droubay explained that the language in Section A5-3 states that "Dwellings may be included in business in the Central Business Zone or Highway Commercial Zone as a conditional use." It was the feeling of the Planning & Zoning Commission that the language was unclear and caused questions as to interpretation. The Planning & Zoning Commission suggested that the language be changed to read: "Dwellings may be included as a conditional use in businesses in the Central Business Zone or Highway Commercial Zone."

Council Member Robert Droubay MOVED to set a public hearing on Monday, September 9, 2002 at 6:50 p.m. for the purpose of receiving public comment regarding a proposed amendment to the Delta City Zoning Ordinance Appendix 5 - Commercial Zones, Section A5-3. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR GAYLE BUNKER: PAYMENT PLAN INTEREST CHARGES

Mayor Bunker advised the Council that Delta City occasionally has individuals who request the opportunity to make payments on amounts owed to Delta City. In the past, those individuals have been allowed to pay the amounts with no additional fees. Mayor Bunker asked whether the Council would be interested in charging an additional fee, or interest, on amounts being paid out in payments. For example, if an individual wants to cover an irrigation ditch in front of their home, they are required to pay the cost of pipe to cover the ditch, however, Delta City owns the pipe and installs the pipe for free. The individuals pay for the cost of materials to cover the ditch.

In addition, when Delta City installs curb, gutter and sidewalk on an entire block, some individuals do not have funds to pay their portion in a lump sum and they have been allowed to pay the amount over a six month period. City Attorney Richard Waddingham stated that it is a violation of the constitution for a municipality to lend credit. If an individual could not pay their portion of

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improvements, Delta City should enter into a contractual agreement with the individual.

Council Members felt that individuals should be advised in advance what the cost of the improvements will be and that the cost must be paid upon completion of the work, or a contractual agreement should be implemented.

#### OTHER BUSINESS

Council Member Robert Droubay noted that Council Member Glen Swalberg had suggested that perhaps he and Council Member Bruce Curtis may be interested in pursuing the national designation of Highway 50 as a Heritage Highway for economic development purposes. The Heritage Highway designation is used to promote recreational, historical and tourism opportunities in communities along the road. It has been suggested that a committee, consisting of fifteen to twenty individuals from the community, including representatives from Delta City, attend a meeting with the government planning board on Wednesday, August 21, 2002 at 1:00 p.m. at Top's City Cafe. Council Members Droubay and Swalberg felt that this opportunity could be used to promote economic development. Mayor Bunker stated that he would attend the meeting and suggested that any Council Members who were available also attend the meeting. Council Member Swalberg noted that these community luncheons are supposed to cost the attendees \$3 per person, however, a lunch in Delta costs approximately \$6 to \$7 per person. Council Member Swalberg asked if Delta City could sponsor the additional cost for the luncheon. Council Member Wesley Bloomfield MOVED to approve Delta City sponsoring the community luncheon on August 21, 2002 by paying the additional cost of lunch for those in attendance. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Council Member Wesley Bloomfield MOVED to have Council Members Droubay and Swalberg present the names of approximately ten individuals to be named to the committee and to bring those names to the Mayor and Council for approval. The motion was SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

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Council Member Wesley Bloomfield requested that Delta City write a letter of thanks to Jane Beckwith and her Topaz Pilgrimage committee for the wonderful presentation they prepared for Saturday, August 17, 2002 in memorializing the Topaz Japanese Internment Camp.

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Council Member Margaret Dutson asked what process is used to enforce compliance in cleaning up unkempt properties. City Attorney Richard Waddingham advised Council Member Dutson that he

sends a notice to the property owner giving a deadline for compliance and, if the property owner does not clean up the property, Delta City can either clean up the property and put a lien against the property for the cost of the clean up, or can take the property owner to small claims court for collection of clean up costs. Council Member Dutson asked if it would be possible to put monies into a redevelopment fund for individuals who might be interested in obtaining property and developing it. Council Members noted that the State has redevelopment funds available.

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City Attorney Richard Waddingham asked about a small strip of property along the border of Dale Bond's car wash property located in Lot 4, Block 91. The small strip of property is described as an "overlap" and is not included with any surrounding property description, nor does it have a county tax identification number. City Attorney Waddingham noted that he had found a similar situation in Fillmore City where a title report listed the property as belonging to the Mayor on behalf of the city and its inhabitants; essentially the city holds the property in trust because it does not belong to any individual. City Attorney Waddingham expects that a title search on this property will result in the same situation. He asked the Council what they would like to do with the property if the same situation occurs. Council Members agreed that the property would not be beneficial to Delta City and it would be better to receive tax revenue on the property than let it sit with no ownership. Mr. Bond will have a title search and report done on the property to determine the ownership of the parcel.

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City Attorney Richard Waddingham distributed copies of a proposed agreement for the area water agency, which has previously been discussed, for the purpose of developing a regional water source which will comply with new arsenic level standards for drinking water. At this time, the proposed name of the agency will be "Sevier Desert Water Agency." The name can be changed if anyone has a better suggestion. There will be a meeting in early September for the purpose of exploring funding sources. City Attorney Waddingham asked Council Members to read the proposed agreement and contact him with suggested changes so that the agreement can be set for approval at the next regular meeting of the City Council. The agreement needs to be approved prior to obtaining funding for the project.

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Council Member Wesley Bloomfield expressed appreciation to the Public Works Department, and particularly the parks workers, for the great work they have done in the park this summer. He has received many comments on the beauty of the flowers and the park. Mayor Bunker advised the Council that Carole Leatham is responsible for the flowers and has done an excellent job.

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Mayor Bunker stated that he had discussed the complaint of Robyn Howell regarding the library allowing patrons to check out videos which she has in her store and cannot rent. Ms. Howell was invited to come to the library to see what videos are in the library and to determine which ones are duplicates of what she has in her store.

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Mayor Bunker advised the Council that Rita Byrd, Public Works Secretary, suffered a mini-stroke last week and she is now home recuperating. She is doing better, but she will be gone for at least a week, maybe longer. Delta City sent flowers to her, which she greatly appreciated.

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Mayor Bunker reported that Congressman Cannon is coming to Delta on Tuesday, August 20<sup>th</sup> for the purpose of doing a service project. Mayor Bunker and the Public Works Department has decided that the service project will involve laying approximately 3,000 square feet of sod around the new pavilion.

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Mayor Bunker reported that materials for replacing the roof on the City Building has been received, however, the color is not what was expected. The color does not match the roofing on the library portion of the building and an attempt is being made to obtain the correct color.

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Mayor Bunker reminded the Council that the Delta City employee party will be on Wednesday, August 14<sup>th</sup> at the North Pavilion in the City Park. Mayor Bunker requested that Council Members arrive by 5:30 p.m. to cook the hamburgers.

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Council Member Margaret Dutson told the Council that the Youth Council float had won first prize in the Hinckley parade and received some money for their effort; in addition, they had sold soda pop at the Topaz Pilgrimage and had earned some money to support their organization.

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Assistant Public Works Director Alan Riding advised the Council that an open house for retiring Public Works Director Neil Forster has been scheduled for August 30<sup>th</sup> from 2:00 - 5:00 p.m. at the City Building.

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Mayor Bunker requested that the Council adjourn to Executive Session. Council Member Wesley Bloomfield MOVED to adjourn to Executive Session for the purpose of discussing the character, professional competence or physical or mental health of an individual. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

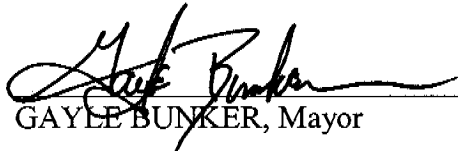
Wesley Bloomfield	Yes
Bruce Curtis	Absent
Robert Droubay	Yes
Margaret Dutson	Yes
Glen Swalberg	Yes

The motion passed unanimously. The Council adjourned to Executive Session at 8:35 p.m.

Following Executive Session, Council Member Wesley Bloomfield MOVED to return to Open Session. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. The Council returned to Open Session at 9:05 p.m.

Mayor Bunker asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn the meeting. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Bunker declared the meeting adjourned at 9:06 p.m.

  
GAYLE BUNKER, Mayor

  
GREGORY JAY SCHAFER, CMC, City Recorder

MINUTES APPROVED: RCCM 08-26-02






**EXECUTIVE SESSION**  
 Sworn Statement  
 (Required by 52-4-7.5, UCA 1953)

I, Gayle Bunker, swear, as the person presiding at this executive session, that the sole purpose for closing the session was to discuss the following:

- ☒ The character, professional competence, or physical or mental health of an individual; or
- ☐ The deployment of security personnel, devices or systems.

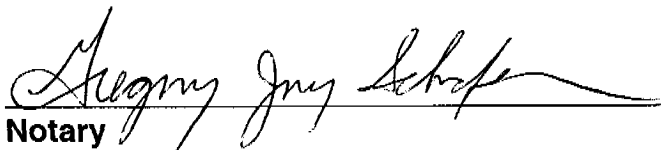
Sworn to and executed this 12<sup>th</sup> day of August, 2002.

CITY OF DELTA, by

  
 Mayor

STATE OF UTAH                    )  
 COUNTY OF MILLARD        }  
 CITY OF DELTA                )     §

Subscribed and Sworn to this 12<sup>th</sup> day of August, 2002, by Gayle Bunker.

  
 Notary

My Commission Expires: MARCH 23, 2003

Residing at: 262 S. 300 W., Delta, UT 846024

